

REMARKS

Applicants respectfully requests reconsideration of the above-captioned application. Claims 1-15 are currently pending with claims 3-13 being withdrawn from consideration at this time.

Upon reading the Examiner's comments appearing in the Advisory Action of March 8, 2004, it occurs to the undersigned that there is a fairly fundamentally disagreement as to the interpretation of the claims. It appears that the Examiner is reading the phrase "micro-tips having nano-sized surface features, each micro-tip being of a homogeneous material" as reading on devices that have nano-sized elements attached to the micro-tip that are not homogeneous to the micro-tip *per se*. It is believed that this interpretation of claims is unduly broad. Out of expediency, however, the Applicants concurrently file an RCE with the above claim amendments, wherein the claims now very clearly indicate that micro-tips, including the nano-sized surface features, are of a single homogenous material. This is in marked contrast to the Nakamoto (U. S. Patent No. 6,097,138) for reasons of record, which can be briefly referred to by noting that the Nakamoto field emission cold-cathode device includes carbon nano tubes 122 on conductor projections 118. Hence, the Nakamoto patent neither anticipates nor renders obvious the presently claimed invention insofar as the present invention employs not only a very different structure but also a different method of fabrication.

Therefore, Applicants respectfully request that the rejection based on claims 4 and 14 under 35 U.S.C. § 102 over the Nakamoto patent, as well as the rejection of claims 2 and 15 under 35 U.S.C. § 103, over the Nakamoto patent in view of the Itoh et al. (U. S. Patent No. 5,892,321) be withdrawn. The Itoh patent was apparently

cited for allegedly teaching a resistance layer over or beneath a cathode . Hence, insofar as the Applicants have not yet focused this distinction, a discussion of the Itoh patent is not necessary.

It should be noted that method claims 3-13 have been retained and amended to include similar language to that added to claim 1. It is believed that this distinction between the applied art and the present invention carries over to the method of fabricating. Accordingly, upon finding that the product claims is allowable, Applicants respectfully request that the Examiner rejoin the process claims insofar as they include recitations that lead to the allowance of the device claims.

For completeness, Applicants incorporate their earlier comments and, in light of those comments and the comments appearing herein, respectfully request withdrawal of the outstanding rejections, rejoinder of claims 3-12, and allowance of the application with all pending claims 1-15. Should any residual issues exists, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: 

Charles F. Wieland III
Registration No. 33,096

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620